

## **PSJ18 WALGREENS Opp Exh 47**

## Message

**From:** Kevin Nicholson [KNicholson@NACDS.org]  
**Sent:** 9/5/2012 3:46:22 PM  
**To:** Carter, Al [al.carter@walgreens.com]; Albert Garcia (albert.garcia@navarro.com) [albert.garcia@navarro.com]; Jackson, Alethia [alethia.jackson@walgreens.com]; Allen Horne [allen.horne@caremark.com]; Anna.Shimanek@target.com; arrowpharmacy@aol.com; Gordon, Averill [averill.gordon@walgreens.com]; barry.jasilli@caremark.com; Beth Cieslik [Beth.Cieslik@target.com]; Bob Egeland [begeland@hy-vee.com]; Bob Stone [bstone@stopandshop.com]; Bogdan, Jay [Jay.Bogdan@supervalu.com]; Brian Files (brian.files@cvscaremark.com) [brian.files@cvscaremark.com]; Schneider, Bryan [bryan.schneider@walgreens.com]; Cartier, Eric R. [ERCartier@cvs.com]; cary.mergele@searshc.com; Charlie.Oltman@target.com; Cheryl Zambrowicz (cheryl.zambrowicz@shopko.com) [cheryl.zambrowicz@shopko.com]; Christine Simmon [christine.simmon@caremark.com]; Dadrion Gaston [dadrion.gaston@wal-mart.com]; Darren Townzen [Darren.Townzen@wal-mart.com]; David Sencabaugh [david.sencabaugh@stopandshop.com]; Garza, Debbie [debbie.garza@walgreens.com]; Debbie Mack [Debbie.Mack@wal-mart.com]; Kaleta, Ed [ed.kaleta@walgreens.com]; Elliott Sogol [Elliott.Sogol@target.com]; Eric P. Douglas (Eric.Douglas@CVSCaremark.com) [Eric.Douglas@CVSCaremark.com]; Fred Ottolino [fred.ottolino@publix.com]; Grace Schuyler [gschuyler@riteaid.com]; Gregory, Steven [steven.gregory@walgreens.com]; Smith, Heather [heather.smith@walgreens.com]; Isaac Reyes [Isaac.Reyes@target.com]; Janet Hart [jhart@riteaid.com]; Jon McArthur [jmcArthur@costco.com]; 'Jonathan Wong' [JWONG@costco.com]; Kay Hanson [Kay.Hanson@target.com]; Ken Curry [kcurry@searshc.com]; Kevin Nicholson [KNicholson@NACDS.org]; Lisa Krause [Lisa.Krause2@target.com]; Nowak, Margaret [margaret.nowak@walgreens.com]; Mark Gregory [mgregory@kerrdrug.com]; Mark McGrew [mmcgrew@usadrug.com]; Mark Polli [mpolli@hannaford.com]; Maxine Johnson [maxine.johnson@supervalu.com]; Meredith Beeson [Meredith.Beeson@target.com]; Michael A. Moné (michael.mone@cardinalhealth.com) [michael.mone@cardinalhealth.com]; Michael Mastromonica [mmastromonica@costco.com]; Davidson, Michele [michele.davidson@walgreens.com]; Mike Ayotte [mjayotte@cvs.com]; Mike Podgurski [mpodgurski@riteaid.com]; Mike Sargent [mdsargent@cvs.com]; Nicholas Cichowicz [Nicholas.Cichowicz@target.com]; Nick Dorich [NDorich@NACDS.org]; Papatya Tankut [ptankut@cvs.com]; Read, Douglas [read.douglas@heb.com]; Stephanie Kent [Stephanie.Kent@Target.com]; Tim.Koch@wal-mart.com; George, Tomson [tomson.george@walgreens.com]; Tony Unan [tunan@costco.com]; Victor Curtis [vcurtis@costco.com]; Wendy Chew [wendy.chew@caremark.com]; 'Wiesner,Dennis' [wiesner.dennis@heb.com]  
**Subject:** Bill Winsley's presentation  
**Attachments:** Pain Clinics or Pill Mills - William T Winsley Presentation.pdf

As mentioned on Tuesday's conference call, attached is a copy of Bill Winsley's presentation from the DEA Pharmacy Diversion Awareness Conferences.

# **PAIN CLINICS OR PILL MILLS? WHAT'S A PHARMACIST TO DO?**

**William T. Winsley, M.S., R.Ph.**

**bbw Consulting, LLC**

**bbwconsulting@columbus.rr.com**

# **WHAT'S COMING?**

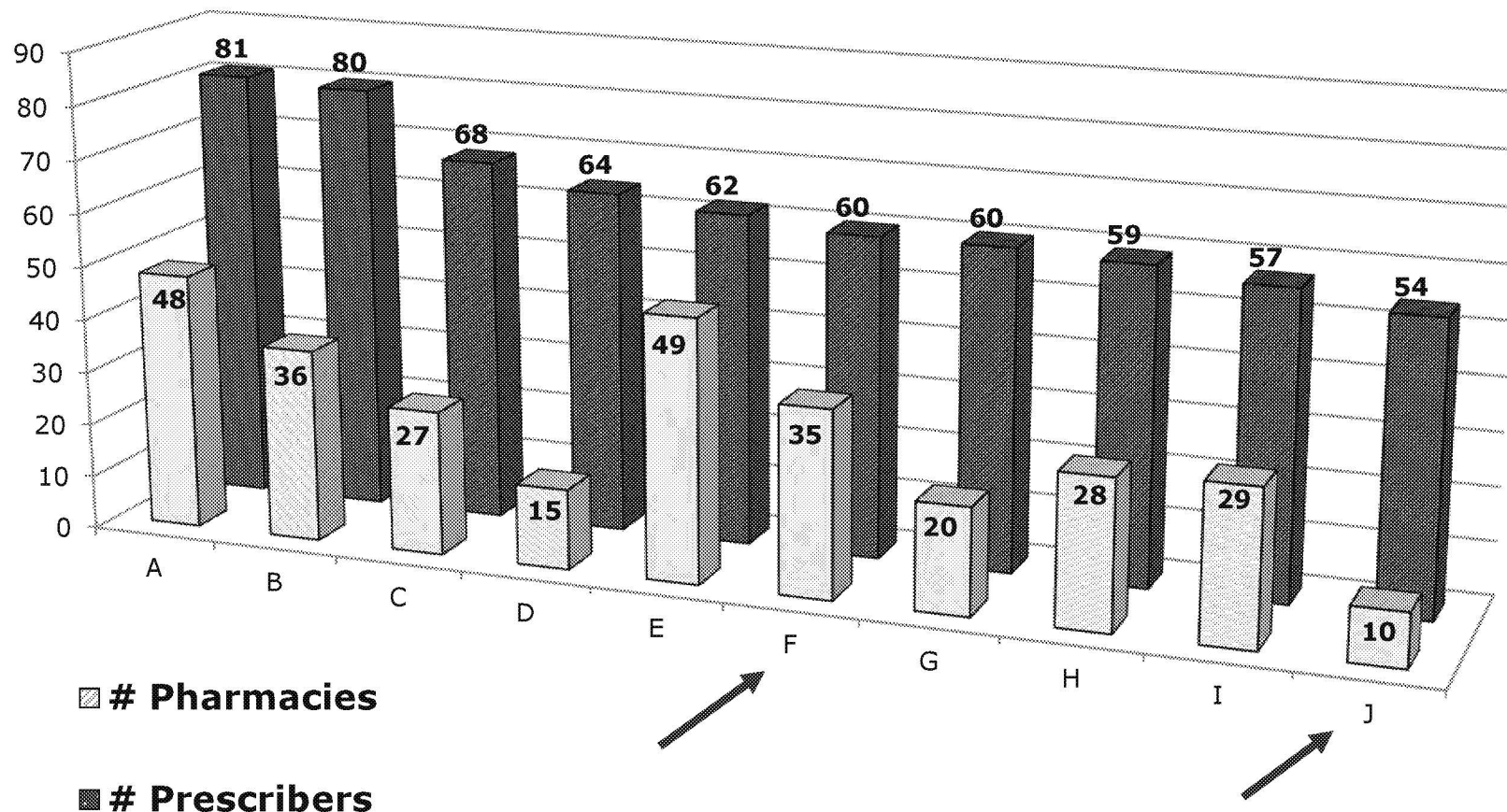
- 1) Is there a problem?**
- 2) Why should pharmacists be concerned?**
- 3) We'll cover as many case studies as we have time for.**
- 4) We'll close with ways to differentiate a pill mill from a pain management clinic.**



**IS THERE A  
PROBLEM?**

**MORE TO THE POINT – IS  
THERE ANY DOUBT?**

# Top Ten Doctor Shoppers 2011

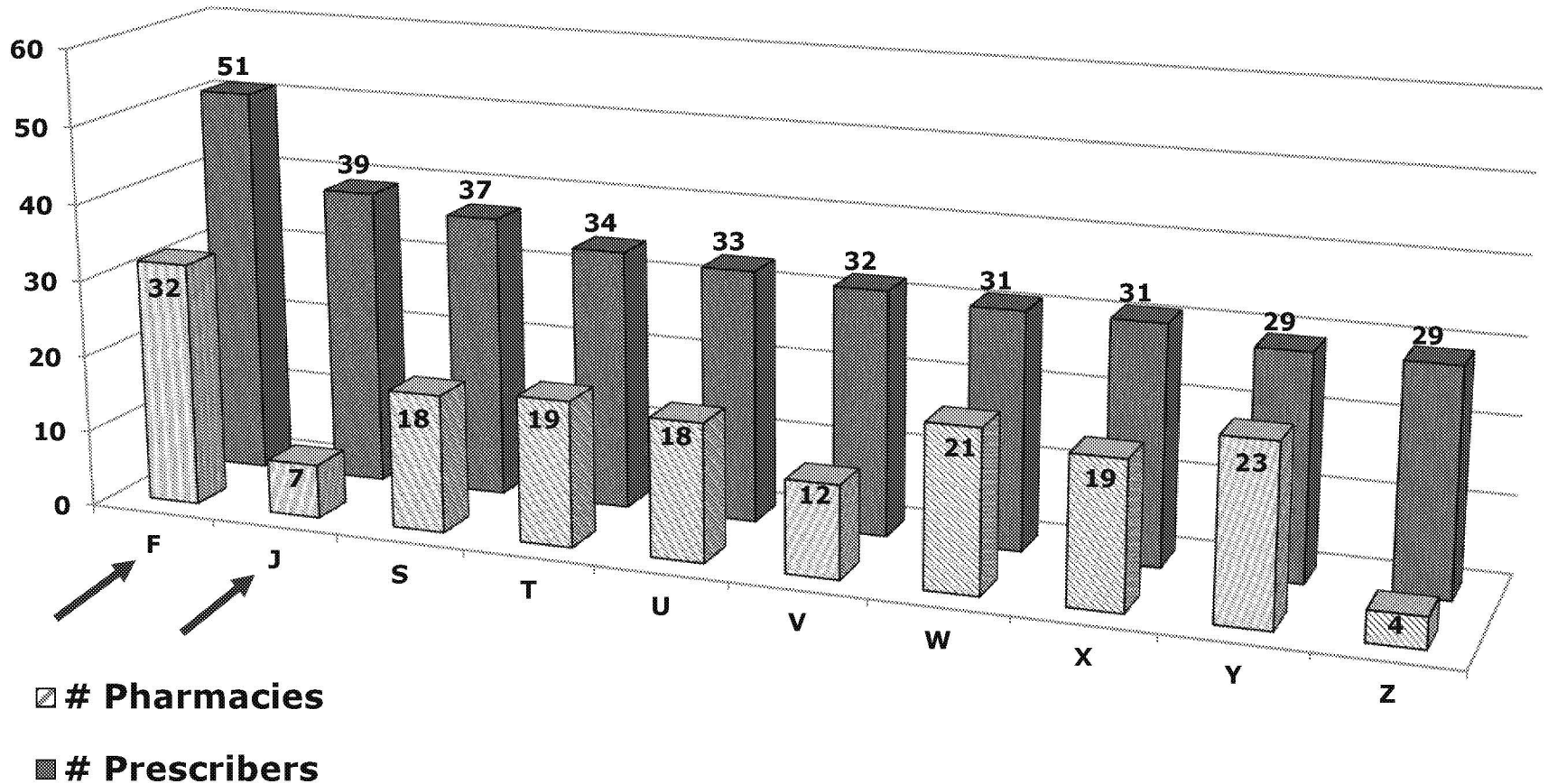


Source: Ohio Automated Rx Reporting System

CONFIDENTIAL

WAGMDL00441401

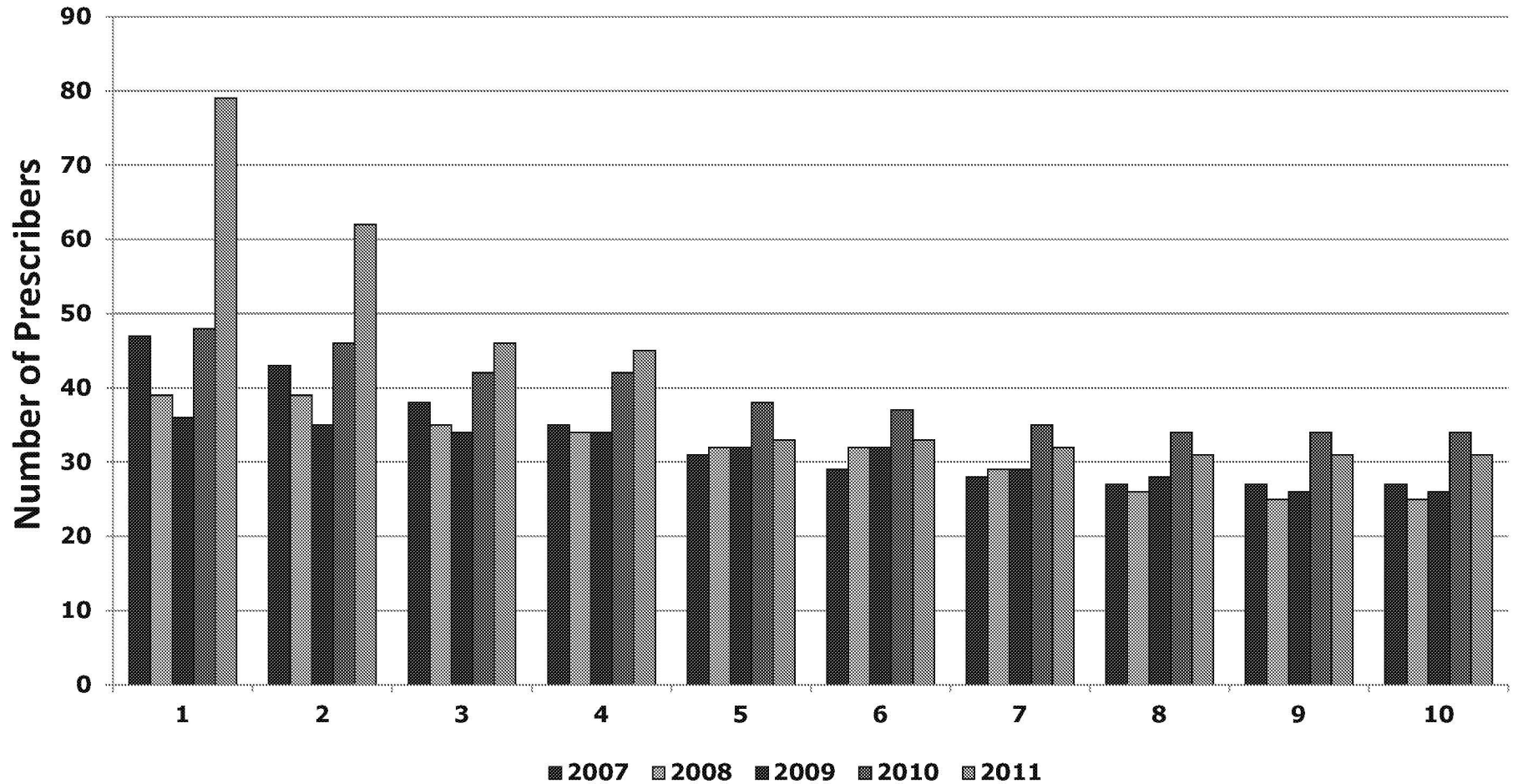
# Top Ten Doctor Shoppers 2011 – CII ONLY



Source: Ohio Automated Rx Reporting System



# Top Ten Patients with Multiple Prescribers for Tramadol: 2007 – 2011



Source: Ohio Automated Rx Reporting System

**WHY SHOULD  
PHARMACISTS BE  
CONCERNED?**

**OR – DID YOU NOT PASS  
YOUR JURISPRUDENCE  
EXAM?**

# **4729-5-21 OAC & 1306.04 CFR**

**(A) A prescription, to be valid, must be issued for a legitimate medical purpose by an individual prescriber acting in the usual course of his/her professional practice. The responsibility for the proper prescribing is upon the prescriber, but a corresponding responsibility rests with the pharmacist who dispenses the prescription. An order purporting to be a prescription issued not in the usual course of bona fide treatment of a patient is not a prescription and the person knowingly dispensing such a purported prescription, as well as the person issuing it, shall be subject to the penalties of law.**

# **IN OTHER WORDS-**

- **THE PHARMACIST IS RESPONSIBLE FOR WHAT HE/SHE KNEW OR SHOULD HAVE KNOWN ON EVERY RX FILLED.**
- **“CORRESPONDING” MEANS “EQUAL”**



# DUR REQUIREMENT

- (1) Over-utilization or under-utilization;**
- (2) Therapeutic duplication;**
- (3) Drug-disease state contraindications;**
- (4) Drug-drug interactions;**
- (5) Incorrect drug dosage;**
- (6) Drug-allergy interactions;**
- (7) Abuse/misuse;**
- (8) Inappropriate duration of drug treatment;**
- (9) Food-nutritional supplements-drug interactions.**



# **SOCIETAL DUTY**

- **Pharmacists have a covenant with society.**
- **Society allows us to practice, but we have a return duty to protect them from harm.**
- **Does contributing to abuse of drugs cause harm????? Even if “only” due to neglect?**

# **CASE STUDIES**

**THOSE WE HAVE TIME FOR,  
ANYWAY.**

# **Duties of the Ohio Board of Pharmacy**

- **Licensing/Administrative Agency**
- **Law Enforcement Agency**

## **Enforcement Responsibility – ORC**

### **Chapters**

**2925. – Criminal Drug Laws**

**3715. – Food & Drug Laws**

**3719. – Controlled Substance Laws**

**4729. – Pharmacy/Dangerous Drug Laws**

# **PILL MILLS –**

**Case study about an Ohio doctor:**

# **PILL MILLS – FLORIDA, GEORGIA, & OHIO**

**Case study about an Ohio drug ring  
and their trips to Florida**

# **E-MAIL TO ALL OHIO LICENSED PHARMACISTS**

**On March 24, 2009, the Ohio  
State Board of Pharmacy sent  
out the following e-mail to  
every pharmacist licensed by  
the Board:**

## **3/24/2009 E-MAIL**

**The Ohio Board of Pharmacy has noticed a significant volume of prescriptions from physicians in Florida and is seeking more information. The physicians are primarily located in Ft. Lauderdale, Boca Raton, or Hollywood, Florida, but they are prescribing for patients from Ohio and Kentucky. Several, but not all, of the physicians are associated with the “American Pain Clinic LLC.”**



## **3/24/2009 E-MAIL**

**The prescriptions are written for oxycodone 15 or 30 mg, Roxicodone 15 or 30 mg, Xanax 2 mg, Soma 350 mg, and Percocet 10/325 mg. These patients are generally 20-55 years old and usually pay cash.**



## **3/24/2009 E-MAIL**

**If you see any of these prescriptions for individuals other than those few “snowbirds” who are part of your regular patient base, please contact Agent Bill Padgett at (###-###) as soon as possible.**

## **3/24/2009 E-MAIL**

**Remember, before filling any prescription, the pharmacist must take into consideration 4729-5-30, OAC, Manner of issuance of a prescription; and 4729-5-21, OAC, Manner of processing of a prescription. These rules state, in part:**

# 3/24/2009 E-MAIL

**A prescription to be valid must be issued for a legitimate medical purpose by an individual prescriber in the usual course of his/her professional practice. The responsibility for the proper prescribing is upon the prescriber, but a corresponding responsibility rests with the pharmacist who dispenses the prescription. An order purporting to be a prescription issued not in the usual course of bona fide treatment of a patient is not a prescription and the person knowingly dispensing such a purported prescription, as well as the person issuing it, shall be subject to the penalties of law.**

## **3/24/2009 E-MAIL**

**In many of these cases, we are wondering how the term “legitimate medical purpose” applies when a patient who is supposedly in severe pain can ride to Florida and back to receive treatment when we have excellent facilities in Ohio.**



## **3/24/2009 E-MAIL**

**If you decide in your professional judgment not to fill the prescription and are comfortable keeping the original prescription, please do so if you can. Advise the individuals that they must contact Agent Padgett regarding their prescriptions and provide them with his telephone number. If you are not comfortable keeping the prescription, then at a minimum, please copy the prescription, return it to the individual, and contact Agent Padgett ASAP.**

## **3/24/2009 E-MAIL**

**If you have already filled such prescriptions, please contact Agent Padgett at (e-mail) or (####-#####). Based on some of the cases we have already found, this may be a coordinated effort to obtain drugs and we are trying to develop a list of the people involved.**

# **RESULTS?**

**Overwhelming!**

**In the first three days after the e-mail,  
over 300 calls, faxes, and e-mails  
BURIED the one agent noted on the  
Board's e-mail.**

**AND THEY CONTINUED TO COME  
IN!**

# **RESULTS?**

**One day, he got a call from a pharmacy in his hometown, telling him that a Florida RX had just been presented.**

**He immediately went to the pharmacy, interviewed the “patient” who ended up telling the whole story.**



# HAPPY ENDING?

- **6 people (including a police officer) ended up pleading guilty to multiple felonies, including drug trafficking.**
- **They all went to prison for varying lengths of time.**
- **The group CLEARED around \$50,000 per month by selling their drugs.**

# **HAPPY ENDING?**

**44 yo wm – leader**

**43 yo wf**

**38 yo wf**

**46 yo wf**

**47 yo wf**

**46 yo wm (brother of “leader”)**

**It started in Florida. Now they’re  
coming to Georgia – and elsewhere.**

**IS IT ALL JUST PILL  
MILLS?**

**HOW ABOUT THE  
INTERNET?**

**Case study on one Ohio  
pharmacy-**

➤ **CORRESPONDING RESPONSIBILITY**

➤ **DUR**

➤ **SOCIETAL DUTY**

**PHARMACISTS CAN AND  
MUST DO THEIR PART.**

**BUT HOW CAN I TELL  
IT'S A PILL MILL?**

**LET ME COUNT THE  
WAYS!!!!**

**DO LEGITIMATE PAIN  
MANAGEMENT CLINICS  
ADVERTISE LIKE THIS?**

**FINALLY-**

**What are some pill  
mill  
characteristics?**

**THANK YOU FOR  
ALLOWING ME TO BE  
HERE.**